

REMARKS

Summary of the Office Action

Claims 1-3 and 6-19 remain rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Publication No. 2002/0011783 to Hosokawa in view of U.S. Patent No. 6,344,712 to Eida et al. and U.S. Publication No. 2003/0011305 to Himeshima et al.

Claims 4, 5 and 9 remain rejected under 35 U.S.C. §103(a) as being unpatentable over Hosokawa in view of Eida et al. and U.S. Publication No. 2002/0109456 to Morii et al.

Summary of the Response to the Office Action

Applicants have amended each of independent claims 1, 14 and 16 to more particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Accordingly, claims 1-19 remain pending in this application for further consideration.

All Claims Comply with 35 U.S.C. § 103

Claims 1-3 and 6-19 remain rejected under 35 U.S.C. §103(a) as being unpatentable over Hosokawa in view of Eida et al. and Himeshima et al., and claims 4, 5 and 9 remain rejected under 35 U.S.C. §103(a) as being unpatentable over Hosokawa in view of Eida et al. and Morii et al. To the extent that the rejections might be applied against the claims as newly-amended, they are respectfully traversed as being based on a reference or a combination of references that neither teaches nor suggests the novel combination of features recited in the claims.

With regard to each of independent claims 1, 14 and 16, as newly-amended, Applicants respectfully submit that Hosokawa, Eida et al. and Himeshima et al., whether taken individually or in combination, do not teach or suggest a claimed combination including at least a feature of “wherein the first electrode contacts the adjacent partition walls.”

The Final Office Action insists that a combination of Hosokawa, Eida et al. and Himeshima et al. renders the present invention obvious. Applicants respectfully submit that at least Eida et al. is improper reference to be combined with Hosokawa and Himeshima et al. In particular, the Final Office Action suggests a color modulating layer 22 of Eida et al. allegedly as the claimed “partition wall.” However, in Eida et al., the color modulating layer 22 is the essential element together with a shading layer 21 in light of the disclosure and claims 1, 16, 19 and 21 of Eida et al. Moreover, as described in col. 48, lines 1-3 of Eida et al., “the preferred transmittance of a shading layer in the organic EL display device is 10% or lower.” The shading layer 21 cannot be selected from a transparent material different from the color modulating layer 22. Accordingly, Applicants respectfully submit that the color modulating layer 22 and the shading layer 21 should be utilized as a kind of one unit, and the shading layer 21 is selected from a non-transparent material, which is different from the partition wall and the electrode according to the present invention.

As a result, Applicants respectfully submit that the present invention is completely different from Eida et al. that substantially includes the color modulating layer 22 and the shading layer 21 as one unit.

Since Eida et al. is improper reference to be combined with Hosokawa and Himeshima et al., Applicants respectfully assert that the Final Office Action has failed to establish a *prima facie* case of obviousness with regard to newly-amended independent claims 1, 14, and 16, and hence dependent claims 2-13, 15, and 17-19.

For at least the above reasons, Applicants respectfully assert that the rejections under 35 U.S.C. § 103(a) should be withdrawn because all of the applied references, whether taken individually or combined, fail to teach or suggest the novel combination of features recited in newly-amended independent claims 1, 14, and 16, and hence dependent claims 2-13, 15, and 17-19.

Without other rejections pending, Applicants respectfully assert that claims 1-19 in condition for allowance.

CONCLUSION

In view of the foregoing, Applicants respectfully request entry of the amendments to place the application in clear condition for allowance or, in the alternative, in better form for appeal. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under

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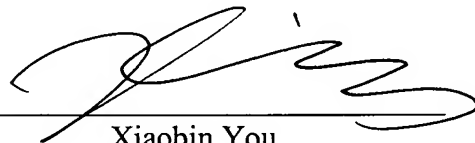
37 C.F.R. §1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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